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10 **IN THE UNITED STATES DISTRICT COURT**  
11 **DISTRICT OF ARIZONA**

United States of America,	)	Case No.: CR22-08092-001-PCT-SMB
	)	
Plaintiff,	)	<b>MOTION TO CONTINUE SENTENCING</b>
	)	
vs.	)	
	)	
Samuel Rappylee Bateman,	)	
	)	
Defendant.	)	

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13 COMES NOW the Defendant, Samuel Rappylea Bateman, by and through Counsel  
14 undersigned and hereby moves this Honorable Court for an order continuing Sentencing in this  
15 matter to December 9, 2024 or a date and time convenient to the Court and all parties for the  
16 following reasons.

17 Dr. Gaughn has not completed his Competency Evaluation as anticipated. This report is  
18 necessary and a pre-requisite to moving forward in sentencing. Dr. Gaughn had previously  
19 requested additional time due to travel and illness. The Court granted the continuance and set  
20 November 25, 2024 as the new sentencing date. Counsel advised Dr. Gaughn of the date and that  
21 the report was needed so that all involved could proceed accordingly based on his  
22 determination.  
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1 Dr. Gaughn stated he would have his report by Friday the 15th of November. However,  
2 Counsel only received a draft late that day and it does not articulate or cite a conclusion on  
3 competency. Counsel contacted Dr. Gaughn's office and was informed today that there was still  
4 outstanding testing analysis and dictation being done.

5 Dr. Gaughn's office anticipated the final draft to Counsel by tomorrow November 19,  
6 2024. This does not provide Counsel sufficient time to review the report and its  
7 conclusions. Counsel also must and travel to CCA to discuss the report with Mr.  
8 Bateman. Further, contingent upon the conclusion Counsel, the Court and the Government will  
9 need to make decisions based on Dr. Gaughn's conclusion. Finally, assuming he is competent  
10 Counsel needs the additional time to finalize a sentencing memorandum and incorporate any  
11 medical findings necessary to the Court's determination as to the appropriate sentence.  
12

13 Assuming Dr. Gaughn has his final report to Counsel this week, decisions can be made  
14 promptly by all involved. Thus, a brief continuance is requested to accommodate a necessary  
15 part of Mr. Bateman's case and sentence. This Motion is made so that Counsel can be effective  
16 as contemplated by the Sixth Amendment to the United States Constitution.

17 The Government, through AUSA Dimitra Sampson, does not oppose a brief continuance,  
18 and also requests December 9, 2024 as the new date if possible. The parties also ask the Court  
19 order that Dr. Gaughn to produce his final report no later than November 22, 2024.  
20

21 DATED this 18<sup>th</sup> day of November, 2024.

22  
23 /s/Brian F. Russo  
24 Brian F. Russo  
25 Attorney for Defendant

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2 CERTIFICATE OF SERVICE

3 I hereby certify that on this date, I electronically transmitted the attached document to the Clerk's  
4 Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the  
following CM/ECF registrant:

5 Ryan Powell, AUSA  
6 Dimitra Sampson, AUSA

7  
8 /s/ Brian F. Russo  
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